

**RESOLUTION NO. 2017 – 3744**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MIAMI SPRINGS, FLORIDA,  
VACATING THAT CERTAIN ALLEY THAT  
RUNS BEHIND THE PROPERTY LOCATED  
AT 25 DEER RUN, AS LEGALLY  
DESCRIBED IN “EXHIBIT A”; PROVIDING  
FOR CONDITIONS; AUTHORIZING  
TRANSMITTAL OF THIS RESOLUTION;  
PROVIDING FOR IMPLEMENTATION; AND  
PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the owner of the single family residential property located 25 Deer Run (the “Applicant”) is also the owner of 12 Deer Run, triangular-shaped, 22,433 sq. ft. property with no street frontage, surrounded on all three sides by rights-of-ways (the “Property”); and

**WHEREAS**, 25 Deer Run and the Property are separated by a series of alleys and the Property is only accessible by and through alleys, similar to 95 Lenape Drive (which currently hosts a single family home); and

**WHEREAS**, the Applicant makes regular use of the Property as an extended rear yard and children’s play area, and, desiring to make the Property safer for use, has submitted an application to the City (the “Application”) petitioning the City to vacate that certain alley located behind the Property, as sketched and legally described in Exhibit “A”, which is incorporated herein and made a part hereof by this reference (the “Alley Segment”); and

**WHEREAS**, the Application has been reviewed by the City’s Administrative Staff; and

**WHEREAS**, staff has determined that the Alley Segment is sparsely used and located among a number of converging alleys that already serve the surrounding

properties on Deer Run, Esplanade Drive and Pinecrest Drive and that the Alley Segment's vacation will not detrimentally affect the surrounding properties; and

**WHEREAS**, the City's Public Works Department has also indicated that it has no objection to the Application and that trash pickup will not be impacted; and

**WHEREAS**, it has been further determined that no utilities are negatively impacted by the vacation of the subject alley as all holders of utility easements in the Alley Segment have previously given letters of no objection so long as an access across the easement is provided; and

**WHEREAS**, the Applicant is dedicating a portion of the Property at the north end of the parcel in order to create a comfortable turning radius where none now exists, accomplished by the dedication of 777 square feet to the City; and

**WHEREAS**, staff believes that the vacation of the Alley Segment would create a safer situation for the Applicant and relieve the City of the liability it now has with regard to maintenance of the Alley Segment; and

**WHEREAS**, the Applicant has represented to, and will execute a covenant in favor of, the City that Alley Segment will be used exclusively as an extension of his back yard and that the Property will be severely limited in terms of the building of accessory structures; and,

**WHEREAS**, the proposed utilization of the Alley Segment, following vacation, is consistent with the City's regulations; and,

**WHEREAS**, the Application has been reviewed by the City Planner and other Administrative Staff personnel, and has been presented to and discussed by the City Council; and,

**WHEREAS**, the City Council of the City of Miami Springs has determined that it is in the best interests of the City and its citizens to vacate the Alley Segment, that no utilities will be negatively impacted by the vacation, that the vacation of the Alley Segment will have no adverse impact upon the City, its operations, or its citizens, and the future use of the Alley Segment will be both proper and appropriate:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1. Recitals.** The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Approval of vacation.** The vacation of that certain Alley Segment depicted and legally described in Exhibit "A" is hereby approved, subject to the following conditions:

- a. Plans shall substantially comply with the Sketch and legal description by Miami Engineering Group, dated August 16, 2017 and signed and sealed August 17, 2017;
- b. Applicant must receive/confirm the approval of all utility companies whose lines are within the area to be vacated and provide a corresponding access easement;
- c. Swing-in gates must be placed at each end of the alley that is to be incorporated into the subject property to provide access for the City and easement holders;
- d. No construction or placement of permanent or semi-permanent structures, such as without limitation paver decks, sheds or affixed canopies, shall be permitted other than the required gates in the vacated alley;
- e. The existing rear lot line shall remain the rear lot line for purposes of additions or new construction on the property at 25 Deer Run;
- f. Accessory structures at 12 Deer Run shall be limited to no more than two such structures with a maximum total of 600 square feet;

- g. All portions of the property, including the parcel at 25 Deer Run, the vacated alley and the parcels at 12 Deer Run, shall be combined with a Unity of Title to which the City is a party; and
- h. The Applicant shall contact the Miami-Dade County Property Appraisers Office to provide them with the new legal description and lot size for purposes of assessing the new taxable value.

Substantial compliance with the foregoing conditions shall be at the sole determination of the City.

**Section 3. Transmittal.** The City Clerk is authorized to provide the property owners with certified copies of this Resolution for recording in the Public Records of Miami-Dade County.

**Section 4. Implementation.** The City Manager, City Attorney, and City Clerk are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon adoption.

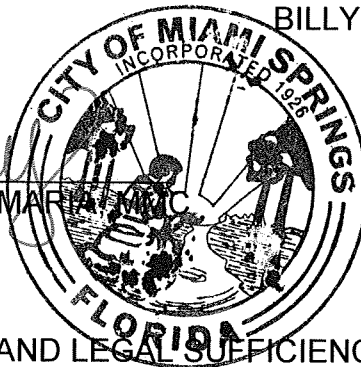
The foregoing Resolution was offered by Councilman Petralanda who moved its adoption. The motion was seconded by Councilman Best and upon being put to a vote, the vote was as follows:

Councilman Bob Best	<u>YES</u>
Vice Mayor Maria Puente Mitchell	<u>NO</u>
Councilwoman Mara Zapata	<u>NO</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

**PASSED AND ADOPTED** this 9<sup>th</sup> day of October, 2017.


ATTEST:

  
ERIKA GONZALEZ-SANTAMARIA  
CITY CLERK



  
BILLY BAIN, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

  
WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.  
CITY ATTORNEY

**EXHIBIT A**  
(Legal Description and Sketch)

EXHIBIT "A"

Legal Description

**Tract N, Block 84 of Revised Plat of Amended Plat of Section 1, Country Club Estates, according to the plat thereof as recorded in Plat Book 34 at Page 39 of the Public Records of Miami-Dade County, Florida, lying southeasterly of the northeasterly production of the Southeast line of Lot 14, Block 84.**

AND

**Tracts "C" and "N", Block 84 of Revised Plat of Amended Plat of Section 1 of Country Club Estates, according to the plat thereof, as recorded in Plat Book 34, Page 39, of the public records of Miami Dade County, Florida.**

AND

**Tract D, Block 84 of Country Club Estates Section 1, Partial Amendment Revised, according to the plat thereof as recorded in Plat Book 34 at Page 39 of the Public Records of Miami-Dade County, Florida.**

Also known as: 25 Deer Run in the City of Miami Springs

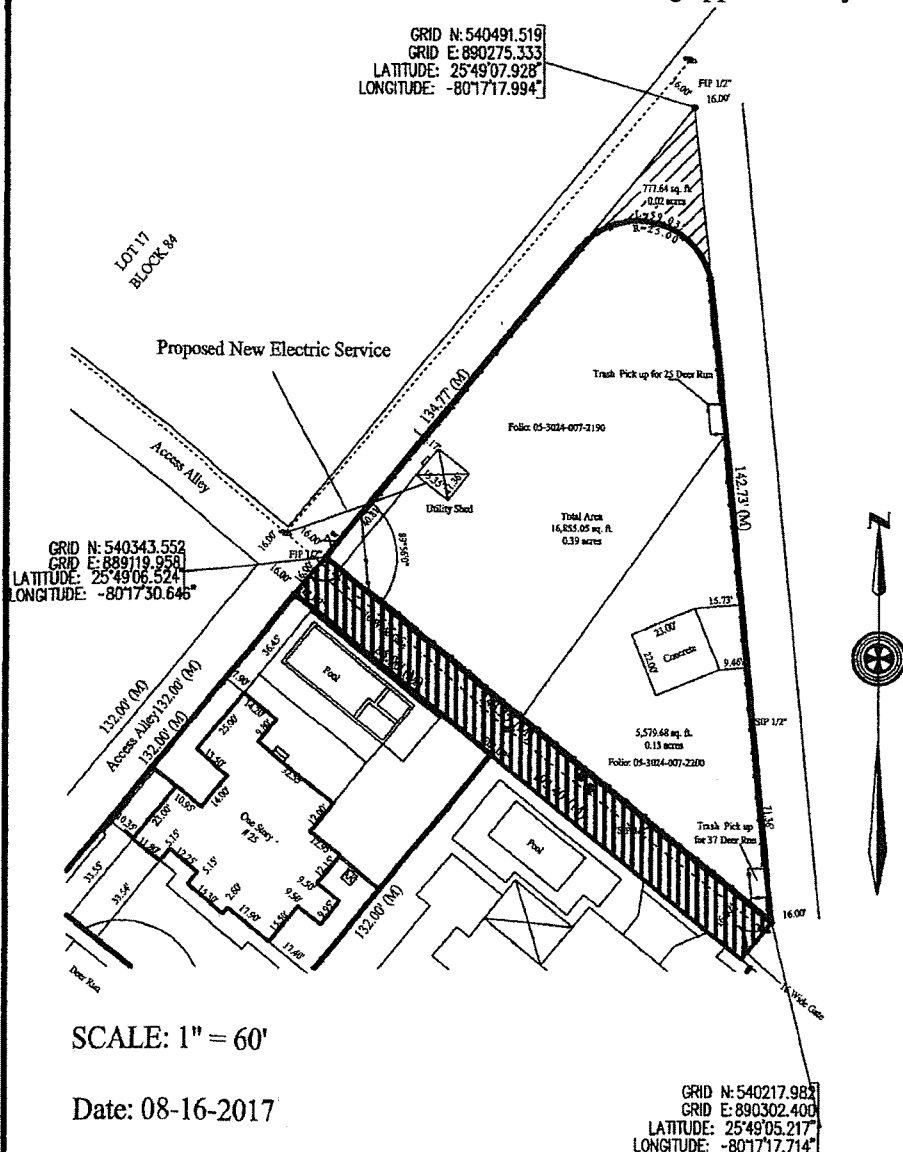
Folio Numbers: 05-3024-007-2060, 05-3024-007-2190, and 05-3024-007-2200

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# SKETCH AND LEGAL DESCRIPTION

## DEDICATION NORTH:

The external area of a circular curve lying within Lot N, Block 84, COUNTRY CLUB ESTATES SECTION 1 REVISED PLAT, according to the Plat thereof, as recorded in Plat Book 34, Page 39 of the Public Records of Miami-Dade County, Florida. Said circular curve being concave to the South, having a radius of 25.00 feet, a central angle of  $135^{\circ}17'01''$ , an arc length of 59.03 feet, and being tangent to the Northwest and East lines of said Lot N. Containing approximately 777.64 square feet.



SCALE: 1" = 60'

Date: 08-16-2017

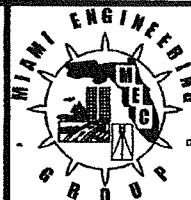
This Sketch is not a Survey  
Not valid without the signature and the original raised  
seal of a Florida licensed surveyor and mapper.

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

SIGNED  
GILBERTO T. GAVARRETE  
REGISTERED SURVEYOR AND MAPPER No. 6089  
STATE OF FLORIDA

DATE:

NORTH  
DEDICATION



MIAMI ENGINEERING GROUP

4251SW 99TH COURT  
MIAMI, FL, 33165  
PHONE: 786-252-1440  
gtgavarrete@aol.com